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EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

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DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/291,316

Applicant(s)

LEE ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-21 is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☒ Claim(s) 1-10, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 1999 and 10 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

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Claim objections

1. Claims 1-10 are objected to because of the following informality listed below. Appropriate correction is required.

In claim 1 lines 5 - a dedicated control channel - seems to refer to a different "dedicated control channel" than the one on lines 3 and 4. If this is true, it is suggested to refer to the dedicated control channels as "first dedicated control channel" and "second dedicated control channel" respectively.

Claims 2-10 are objected since they are dependent upon claim 1.

Allowable Subject Matter

2. The indicated allowability of claims 11-13 is withdrawn in view of the newly discovered reference(s) to Manning and Gray. Rejections based on the newly cited reference(s) follow.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 11 rejected under 35 U.S.C. 102(e) as being anticipated by Manning (US 6,519,266).

Regarding claim 11, Manning teaches a method and apparatus for a method for receiving data in a mobile communication having at least one state transition (fig. 2), the at least one state transition including transitioning from an active state (fig. 2 box 108) to a control hold state (fig. 2 box 110) to receive only control information via a dedicated control channel when the user data is not transmitted and received for a first predefined time in the active state (col. 3 lines 57-64).

The system comprises releasing the dedicated control channel and transitioning to a suspended state to receive

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the user data via a common channel when the user data to be transmitted or received is not generated for a second predefined time in the control hold state (col. 3 line 65 - col. 4 line 3), and receiving the user data in the suspended state and storing the received data (PACH, PPCH, col. 4 line 4). Given the PACH and PPCH channels are present, user data may be stored the received.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning as applied to claim 11 above, and further in view of Gray (US 6,473,419).

Manning is silent on the suspended state comprising a slotted substate, as specified in claim 12; and the suspended state comprising a virtual traffic substate, as specified in claim 13.

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Gray teaches the suspended state comprising a slotted substate (col. 6 lines 59-60), as specified in claim 12; and the suspended state comprising a virtual traffic substate (col. 10 lines 3-4), as specified in claim 13.

Therefore it would have been obvious to one of ordinary skill in the art, having both Manning and Gray before him/her and with the teachings [a] as shown by Manning, a method and apparatus for a method for receiving data in a mobile communication having at least one state transition, and [b] as shown by Gray, the suspended state comprising a slotted substate and a virtual traffic substate, to be motivated to modify the system of Manning by including within the suspended state the option of storing and transmitting data from either the slotted substate or virtual traffic substate. This would improve the system by giving the system flexibility to process data based upon the requirements when in the suspended state.

Allowable Subject Matter

7. Claims 1-10 would be allowable if the objection listed above were resolved.
8. Claims 16-21 are allowed.

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9. Claims 14 and 15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 1, nothing in the prior art of the record teaches or fairly suggests transmitting the user data via a common channel which contains message type information when the parameter value is lower than the predetermined reference value, in combination with all the other limitations listed in the claim. Note, Manning teaches transmitting via a common channel when in the suspended state. See office action above.

Regarding claims 14 and 15, nothing in the prior art of the record teaches or fairly suggests a burst substate, in combination with all the other limitations listed in the claim.

Regarding claim 16, nothing in the prior art of the record teaches or fairly suggests transitioning to a second suspended state when the user data generated in the first suspended state is shorter in length than a reference value, in combination with all the other limitations listed in the claim. Note, Gray teaches the suspended state has two states. See office action above.

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Regarding claim 18, nothing in the prior art of the record teaches or fairly suggests transitioning to a second suspended state when a generation frequency of the user data generated in the first suspended state is lower than a reference value, in combination with all the other limitations listed in the claim. Note, Gray teaches the suspended state has two states. See office action above.

Response to Arguments

10. Applicant's arguments with respect to independent claim 1 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant's contention that LaDue does not disclose transmitting user data through a common control channel (applicant: pg. 9 lines 16-17). Therefore, a new search was performed.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Ronald Abelson
Examiner
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DANG TON
PRIMARY EXAMINER